

AMENDED IN ASSEMBLY AUGUST 29, 1997

AMENDED IN ASSEMBLY JULY 23, 1997

AMENDED IN ASSEMBLY JULY 11, 1997

AMENDED IN SENATE APRIL 28, 1997

AMENDED IN SENATE APRIL 14, 1997

SENATE BILL**No. 1135**

Introduced by Senator O'Connell
(Principal coauthor: Assembly Member Wayne)
(Coauthor: Senator Alpert)

February 28, 1997

An act to ~~amend Section 25201.13 of~~ *add Section 25201.15 to* the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1135, as amended, O'Connell. Hazardous waste treatment: *biotechnology* elementary neutralization ~~unit~~ *activities*.

Existing law requires hazardous waste facilities, including, but not limited to, treatment facilities, to operate under hazardous waste facilities permits or other grants of authorization issued by the Department of Toxic Substances Control. Existing law exempts from hazardous waste facilities requirements an owner or operator of an elementary neutralization unit that neutralizes wastewaters that are hazardous solely due to corrosivity or toxicity that results only

from alkaline or acidic materials used in the owner's or operator's food processing operations.

~~This bill would exempt from hazardous waste facilities permit requirements, and from related the requirements relating to generators, tanks, and tank systems imposed pursuant to the hazardous waste control laws and the requirement to obtain a hazardous waste facilities permit, an owner or operator of an elementary neutralization unit, as described, if specified requirements are met biotechnology elementary neutralization activities, as defined, if specified conditions are met with regard to the hazardous wastes and if the generator complies with specified requirements. The bill would also exempt these activities from any statute or regulation requiring the elementary neutralization unit to have secondarily contained piping and equipment, except as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 25201.13 of the Health and~~
- 2 *SECTION 1. Section 25201.15 is added to the Health*
- 3 *and Safety Code, to read:*
- 4 *25201.15. For the purposes of this section, the*
- 5 *following terms have the following meaning:*
- 6 *(1) "Biotechnology manufacturing or biotechnology*
- 7 *process development activities" means activities*
- 8 *conducted in SIC Code Subgroups 283, 2833, 2834, 2835,*
- 9 *2836, 8731, 8732, and 8733, including manufacturing and*
- 10 *process development of medicinal chemicals and*
- 11 *botanical products, pharmaceutical preparations, in vitro*
- 12 *and in vivo diagnostic substances, and biological*
- 13 *products, and all associated equipment and vessel*
- 14 *cleaning and maintenance operations.*
- 15 *(2) "Biotechnology elementary neutralization*
- 16 *activities" means the elementary neutralization of wastes*
- 17 *generated by biotechnology manufacturing or*
- 18 *biotechnology process development activities.*

1 (3) “SIC Code” has the same meaning as defined in
2 subdivision (t) of Section 25501.

3 (b) The Legislature hereby finds and declares that the
4 biotechnology industry’s elementary neutralization of
5 hazardous wastes is a common, safe, and standard
6 practice that typically occurs in a wastewater collection
7 system, and which does not warrant extensive regulatory
8 oversight.

9 (c) Biotechnology elementary neutralization
10 activities are exempt from any requirement imposed
11 pursuant to this chapter, including any regulation
12 adopted pursuant to this chapter, that relates to
13 generators, tanks, and tank systems, and the requirement
14 to obtain a hazardous waste facilities permit or other
15 grant of authorization from the department, except as
16 otherwise provided in subdivision (d), if all of the
17 following conditions are met:

18 (1) A permit is not required to conduct elementary
19 neutralization under the federal act.

20 (2) The hazardous wastes are hazardous solely due to
21 acidic or alkaline materials, and are generated by
22 biotechnology process manufacturing or biotechnology
23 process development activities.

24 (3) Either of the following applies with regard to the
25 biotechnology elementary neutralization activity:

26 (A) The hazardous wastes in the elementary
27 neutralization unit do not contain more than 10 percent
28 by weight acid or alkaline constituents.

29 (B) The generator of the hazardous wastes determines
30 that the elementary neutralization process will not raise
31 the temperature of the hazardous wastes to within 10
32 degrees of the boiling point or cause the release of
33 hazardous gaseous emissions, using either
34 constituent-specific concentration limits or calculations.
35 The generator shall make these calculations in
36 accordance with the regulations adopted by the
37 department, if the department adopts those regulations.

38 (4) The hazardous wastes are not diluted for the sole
39 purpose of meeting the criteria specified in subparagraph

40 (A) of paragraph (3) and after neutralization the

1 wastewaters do not exhibit the characteristic of
2 corrosivity, as defined in Section 66261.22 of Title 22 of the
3 California Code of Regulations, or any successor
4 regulation.

5 (5) The temperature of any unit 100 gallons or larger
6 is automatically monitored, and is fitted with a high
7 temperature alarm system, and for closed systems, the
8 unit automatically controls the adding and mixing of
9 corrosive and neutralizing solutions.

10 (d) An operator of an elementary neutralization unit
11 subject to this section shall successfully complete a
12 program of classroom instruction or on-the-job training
13 that includes, at a minimum, instruction for responding
14 effectively to emergencies by familiarizing personnel
15 with emergency procedures, emergency equipment, and
16 emergency systems, including, where applicable,
17 procedures for using, inspecting, repairing, and replacing
18 facility emergency and monitoring equipment,
19 communications, or alarm systems.

20 (e) Notwithstanding any other provision of law, unless
21 required by federal law, biotechnology elementary
22 neutralization activities satisfying the requirements of
23 subdivisions (c) and (d) are exempt from any statute or
24 any regulation adopted pursuant to state law requiring
25 the elementary neutralization unit to have secondarily
26 contained piping and ancillary equipment, including, but
27 not limited to, a regulation adopted by the State Water
28 Resources Control Board, the department, or any other
29 state agency.

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**All matter omitted in this version of the
bill appears in the bill as amended in the
Assembly, July 23, 1997 (JR 11)**